THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 13931 of 2006

10-07-2006

Between:-

Pasha Begum and two others.

Petitioners

And

A.P. Central Power Distribution Co., Ltd., through its Secretary, having office at Mint Compound, Hyderabad and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 13931 of 2006

Oral order:

This writ petition is filed alleging that the respondents are out to trespass into and erect a 33/11 K.V. Sub-Station on the petitioners' property in Yaserb Nagar, Yakuthpura, Hyderabad. In paragraph No.5 of the affidavit filed in support of the writ petition, the 1st petitioner himself asserts that on 20-05-2006 when the employees of the respondents came and inspected the petitioners' property and started taking measurements, the 1st petitioner objected and questioned their authority for doing so. Thereupon, the officials of the respondents stated that the property belongs to the Government and was allotted to

the Andhra Pradesh Central Power Distribution Company Limited. The petitioners also assert that a civil suit is pending whereat the petitioners filed interlocutory applications seeking an interim injunction against the respondents to restrain them from dispossessing the petitioners illegally. The petitioners have however filed the writ petition for a substantially similar relief as in the civil suit.

In the aforesaid circumstances, the writ petition is misconceived. The disputes as to tile to the property ought not to be normally adjudicated under Article 226 of the Constitution of India. The petitioners may pursue their remedies for injunctive or other appropriate reliefs either in the pending civil suit/civil proceedings or in any other appropriate proceedings. The writ petition is certainly not the appropriate remedy. Nothing stated in this order shall be construed as an expression of this court on the merits of the petitioners' claim.

The writ petition is accordingly dismissed. No costs.

_____

GODA RAGHURAM, J

Dated:10-07-2006
Pvks/*